IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 15TH MARCH 2007 / 24TH PHALGUNA 1928

WP(C).No. 5925 of 2007(E)

PETITIONER:

ZACHARIA SEBASTIAN, AGED 65 YEARS,
S/O.SEBASTIAN VAZHAPPILLY, PROPRIETOR,
"VAZHAPILLY PLASTICS", MAJOR INDUSTRIAL ESTATE,
OLLUR, THRISSUR.

BY ADV. SRI.RAJIT
SRI.RANJIT BABU

RESPONDENTS:
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1. THE SUB INSPECTOR OF POLICE, OLLUR
POLICE STATION, OLLUR, THRISSUR.

2. LOADING AND UNLOADING THOZHILALI
UNION (GENERAL WORKERS SECTION),
INTUC, INDUSTRIAL ESTATE, OLLUR REPRESENTED
BY ITS SECRETARY.

3. THE ASSISTANT LABOUR OFFICER, THRISSUR,
CHEMBUKAVU, THRISSUR.

BY ADV. SRI.K.A.ABRAHAM
SRI.BIJU MARTIN
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).5925/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE JUDGMENT DATED 24.9.2004 IN W.P.(C). 24607/2004.

EXT.P2: COPY OF THE ORDER NO.H.L.100/06 DATED 27.12.2006 PASSED BY THE 3RD RESPONDENT.

EXT.P3: COPY OF THE REPRESENTATION 5.2.2007 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P4: COPY OF THE JUDGMENT IN W.P.(C).22403/2005 DATED 25.8.05 OF THIS HON'BLE COURT.

RESPONDENTS EXHIBITS:

EXT.R2(A): COPY OF THE AGREEMENT DATED 18.9.2001 FOR THE PERIOD FROM 2001-2003.

EXT.R2(B): COPY OF THE LETTER DATED 9.3.2005.

EXT.R2(C): COPY OF THE LETTER DATED 15.6.1998.

EXT.R2(D): COPY OF THE ORDER G.O.(RT) 1904/2004/LB DATED 15.7.2004.

EXT.R2(E): COPY OF THE PROCEEDNGS OF THE ASSISTANT LABOUR OFFICER, 3RD CIRCLE, THRISSUR.

EXT.R2(F): COPY OF THE APPELLATE ORDER OF THE DISTRICT LABOUR OFFICER, THRISSUR.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C)No.5925 OF 2007

Dated 15th March, 2007

JUDGMENT

Koshy,J.

This is a petition for police protection. According to the petitioner, members of the second respondent union are obstructing the smooth running of his establishment. It is also stated that loading and unloading of the raw materials and finished products are carried on by the permanent workers of the petitioner and since they can handle the loading and unloading work, outsiders need not be allowed to do the work.

2. Second respondent filed a detailed counter affidavit stating that there is an agreement (Ext.R2(a)) in the area in question wherein rates are fixed, that loading and unloading works are carried out by the registered workers in the local area at the rates prescribed in the above agreement and that this petition for police protection is filed only to take away the rights of the existing head load workers. Learned counsel for the petitioner submitted that if heavy vehicles are coming, loading and unloading work can be carried out by the workers of the second respondent union. But, sometimes the goods are coming in small vehicles like

goods autorickshaw etc. In that case, workers in the establishment themselves can carry out the work. It is also submitted that if goods autorickshaw and other small vehicles are coming, it will be very difficult to get registered loading and unloading workers. In the above circumstances, if registered headload workers are not willing to do the work, the loading and unloading work in the goods autorickshaw or small vehicles can be done by the permanent workers of petitioner whose names are mentioned in the petition and police shall give adequate protection. If registered workers are willing, it should be done by the registered head load workers in the area. Even if vehicles are small, the rates fixed in Ext.R2(a) are applicable and hence petitioner will not be prejudiced. Police is directed to see that law and order is maintained and above observations are complied with. If there is any further disputes, parties have to approach the labour authorities.

The writ petition is disposed of accordingly.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

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